

6/30/2016 3:34:48 PM
Chris Daniel - District Clerk Harris County
Envelope No. 11427950
By: Monica Ovalle
Filed: 6/30/2016 3:34:48 PM

2016-44239 / Court: 061
CAUSE NO. _____

MICHAEL CHARLES MILES § **IN THE DISTRICT COURT OF**
§
V. § **HARRIS COUNTY, T E X A S**
§
WILSON STONE and §
SCHNEIDER NATIONAL CARRIERS, INC. § **_____ JUDICIAL DISTRICT**

PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND
AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MICHAEL CHARLES MILES, Plaintiff in the above entitled and numbered cause, complaining of and against **WILSON STONE** and **SCHNEIDER NATIONAL CARRIERS, INC.** Defendants herein, and for causes of action would respectfully show unto the Court the following:

I.
DISCOVERY CONTROL PLAN

1.0 Discovery is intended to be conducted under Level 3 of the Texas Rules of Civil Procedure 190.

II.
PARTIES

2.0 Plaintiff is a resident of Harris County, Texas.

2.1 Defendant, **WILSON STONE** is an individual residing in the State of Mississippi, who, pursuant to the provisions of Section 17.061, et seq., Texas Civil Practice and Remedies Code, and §17.041, et seq., the Texas Long-Arm Statute, may be served by and through the Texas Transportation Commission, 125 East 11th Street, Austin, Texas 78701-2483, via certified mail, return receipt requested, who shall then forward the citation and petition to Defendant, may be served by and through his last known address: 5706 Chocataw Dr., Horne Lake, MS 38637, or wherever he may be found.

2.2 Defendant, **SCHNEIDER NATIONAL CARRIERS, INC.** is a Foreign For-Profit Corporation doing business in the State of Texas and may be served through its registered agent of service, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136, or wherever he/she may be found.

III. JURISDICTION & VENUE

3.0 Venue is proper in Harris County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.001 *et seq.* because all or a substantial part of the events or omissions giving rise to the claims arose in Harris County, Texas. This Court has jurisdiction over the parties and subject matter hereof. The amount in controversy exceeds the minimum jurisdictional limits of this Court.

IV. FACTS

4.0 On or about April 25, 2016, Plaintiff was lawfully driving a 1997 Freightliner Tractor Trailer, traveling westbound in the 9800 block of West Little York, a street located in Houston, Harris County, Texas. At the time in question, Defendant **WILSON STONE** was driving a 2017 Freightliner Tractor Trailer, behind Plaintiff's vehicle. Defendant failed to control his speed striking Plaintiff's vehicle.

4.1 At such time, Defendant **WILSON STONE** was working in the course and scope of his employment with **SCHNEIDER NATIONAL CARRIERS, INC.**

V. NEGLIGENCE OF DEFENDANTS

A. **WILSON STONE**

5.0 At the time of the accident made the basis of this suit, Defendant, **WILSON STONE** was operating the aforementioned vehicle in a negligent and careless manner in the following respects which, among others, may be shown at the trial of this cause:

1. In failing to keep a proper lookout;
2. Driver inattention;
3. In failing to control speed;
4. In failing to operate the vehicle in a reasonable and prudent manner.

5.1 Each of these acts and omissions, singularly or in combination with others, constitute negligence which was the proximate cause of this incident, and the injuries sustained by the Plaintiff. Additionally, Defendant's acts or omissions in violating the Texas Transportation Code as listed above constitute negligence per se.

B. SCHNEIDER NATIONAL CARRIERS, INC.

5.2 The above-described collision was proximately caused by the negligence of Defendant **SCHNEIDER NATIONAL CARRIERS, INC.** as a result of its negligent entrustment of the subject vehicle to Defendant **WILSON STONE** when it knew or should have known that he was not a safe driver.

5.3 Defendant **WILSON STONE** was an agent and/or servant of Defendant **SCHNEIDER NATIONAL CARRIERS, INC.** As such, Defendant **SCHNEIDER NATIONAL CARRIERS, INC.** is responsible for the conduct of Defendant **WILSON STONE** due to the master-servant relationship which existed, and under the doctrine of Respondeat Superior.

**VI.
DAMAGES**

6.0 Said elements of damage which Plaintiff seeks to recover from Defendants include compensation for the following:

1. The physical pain and mental anguish sustained by Plaintiff from date of injury to the time of trial;
2. The physical pain and mental anguish that Plaintiff will suffer in the future;
3. Loss of earnings sustained by Plaintiff from date of injury to time of trial;

4. Loss of earnings and earning capacity reasonably anticipated to be suffered by Plaintiff in the future;
5. Reasonable and necessary medical expenses incurred by Plaintiff in the treatment of Plaintiff's injuries from date of injury to time of trial;
6. Reasonable and necessary medical expenses reasonably anticipated to be sustained by Plaintiff in the future for treatment of Plaintiff's injuries;
7. Past and future physical disfigurement; and
8. Past and future physical impairment;

As such, Plaintiff affirmatively pleads that he seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.

**VII.
REQUEST FOR JURY TRIAL**

7.0 Plaintiff requests a jury trial.

**VIII.
ALTERNATIVE PARAGRAPH NO. 1**

8.0 In the alternative, Plaintiff would show that if any injury and/or condition from which he currently suffers was pre-existing, then such condition was aggravated and/or exacerbated by the negligence of the Defendants herein

**IX.
ALTERNATIVE PARAGRAPH NO. 2**

9.0 In the alternative, Plaintiff would show that if he suffers from any subsequent injury and/or condition, then such injury and/or condition was aggravated and/or exacerbated by the negligence of the Defendants herein.

**X.
REQUEST FOR DISCLOSURE**

10.0 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are hereby requested to

disclose, within fifty (50) days of service of this document, the information or material described below. Please serve your responses on counsel representing this Plaintiff, and produce true and correct copies of all documents and other tangible items with your responses, in accordance with Rule 194.4.

10.1 Plaintiff request disclosure of the following, pursuant to Rules 194.2(a) through 194.2(l):

- (a) the correct names of the parties to the lawsuit;
- (b) the name, address, and telephone number of any potential parties;
- (c) the legal theories and, in general, the factual bases of Defendant's claims or defenses;
- (d) the amount and any method of calculating economic damages;
- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) for any testifying expert:
 - (1) the expert's name, address, and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of Defendant, documents reflecting such information;
 - (4) if the expert is retained by, employed by, or otherwise subject to the control of Defendant:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography;
- (g) any discoverable indemnity and insuring agreements;
- (h) any discoverable settlement agreements;
- (i) any discoverable witness statements;

- (j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.
- (l) the name, address, and telephone number of any person who may be designated as a responsible third party.

**XI.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that these Defendants be cited to appear and answer herein, and that upon final trial hereof, Plaintiff recover from said Defendants, jointly and severally, a sum over \$200,000.00 but not more than \$1,000,000.00, costs of Court, pre-judgment and post-judgment interest at the legal rate, and demand for judgment for all other relief to which the Plaintiff deemed himself entitled.

Respectfully submitted,
THE STERN LAW GROUP

JEFFREY M. STERN
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Bellaire, Texas 77401
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ATTORNEY FOR PLAINTIFF

6/30/2016 3:34:48 PM
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CIVIL CASE INFORMATION SHEET (REV. 2/13)
 2016-44239 / Court: 061

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED MICHAEL CHARLES MILES v. WILSON STONE and SCHNEIDER NATIONAL CARRIERS, INC.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact Information for person completing case information sheet: Name: Jeffrey M. Stern Email: jsfern@stern-lawgroup.com Address: 4909 Bissonnet St., Suite 100 City/State/Zip: Bellalre, Texas 77401 Telephone: (713) 661-9900 Fax: (713) 666-5922 Signature: [Signature] State Bar No: 19175660		Names of parties in case: Plaintiff(s)/Petitioner(s): Michael Charles Miles Defendant(s)/Respondent(s): Wilson Stone Schneider National Carriers, Inc. [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetrate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

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CIVIL PROCESS REQUEST

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED: Plaintiff's Original Petition

FILE DATE OF MOTION:

SERVICE TO BE ISSUED ON:

1. NAME: Wilson Stone
ADDRESS: 5706 Chocataw Dr., Horne Lake, MS 38637
AGENT:
TYPE OF SERVICE: Citation
SERVICE BY: **Texas Transportation Commission: AFTER
CITATION HAS BEEN COMPLETED, PLEASE
RETURN IT TO US FOR SERVICE TO BE
PERFECTED.**
2. NAME: Schneider National Carriers, Inc.
ADDRESS: 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136
AGENT: CT Corporation System
TYPE OF SERVICE: Citation
SERVICE BY: **Private process service: AFTER CITATION HAS
BEEN COMPLETED, PLEASE RETURN IT TO US FOR
SERVICE TO BE PERFECTED.**

.....
ATTORNEY REQUESTING SERVICE:

**Jeffrey M. Stern, SBN: 19175660, Stern Law Group, 4909 Bissonnet St.,
Suite 100, Bellaire, Texas 77401, 713/661-9900, 713/666-5922 Facsimile,
jstern@stern-lawgroup.com**